

**AGENDA  
BENBROOK PLANNING AND ZONING COMMISSION  
THURSDAY MARCH 29, 2018  
911 WINSCOTT ROAD  
PRE-COMMISSION WORK SESSION, 7:00 P.M.  
CENTRAL CONFERENCE ROOM**

1. Review and discuss items for the special meeting

**SPECIAL MEETING, 7:30 P.M.  
COUNCIL CHAMBERS  
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION**

**I. CALL TO ORDER**

**II. REPORTS FROM CITY STAFF**

**A. ZONING**

**Z-18-04**

An Ordinance Amending Title 17 – Zoning of the Benbrook Municipal Code by establishing Chapter 17.79 – Benbrook Boulevard Corridor Overlay District. The Overlay District will limit or restrict certain uses and establish development standards and design criteria for future development and improvements along the Benbrook Boulevard corridor. The Overlay District is generally applied to commercially zoned properties, along the Benbrook Boulevard corridor, between Winscott Road and the Union Pacific Railroad, which is located approximately 1,500 ft. north of I.H. 20/820. [PUBLIC HEARING]

Documents:

[Z-18-04 PZ STAFF REPORT.PDF](#)  
[Z-18-04 DRAFT ORDINANCE.PDF](#)

**III. ADJOURNMENT**



# City of Benbrook

## Planning and Zoning Commission

|                               |   |  |                            |
|-------------------------------|---|--|----------------------------|
| <b>DATE:</b><br><br>3/29/2018 | <b>REFERENCE NUMBER:</b><br><br>Z-18-04 | <b>SUBJECT:</b><br>An Ordinance Amending Title 17 – Zoning of the Benbrook Municipal Code by establishing Chapter 17.79 – Benbrook Boulevard Corridor Overlay District. The Overlay District will limit or restrict certain uses and establish development standards and design criteria for future development and improvements along the Benbrook Boulevard corridor. The Overlay District is generally applied to commercially zoned properties, along the Benbrook Boulevard corridor, between Winscott Road and the Union Pacific Railroad, which is located approximately 1,500 ft. north of I.H. 20/820 | <b>PAGE:</b><br><br>1 of 3 |
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### Background

The purpose of this Ordinance is to establish land use regulations that prohibit or restrict inappropriate land uses deemed detrimental to desired new development and redevelopment along Benbrook's primary commercial corridor. These regulations are necessary to enhance the overall quality and compatibility of development and to secure the long-term aesthetic and economic value of the corridor.

Staff has reached out to all business owners and operators in the entire corridor via individual site visits and by mail communication. In addition, staff held an Open House on March 6, 2018 wherein business owners and operators had an opportunity to review and comment on the proposed overlay.

The following summarizes the key elements of the ordinance:

1. The overlay district will apply to all non-residential properties located along the Benbrook Boulevard (U.S. Highway 377) corridor between Winscott Road and approximately 1,500 feet north of I-20.
2. Certain land uses are prohibited and other uses will require a conditional use permit. (see list on Page 2 of this report)
3. Outdoor storage will be permitted on up to 10% of the property or 10,000sqft, whichever is less. Storage area permitted in the rear and interior side yards only and must be screened by an 8ft tall masonry wall. Any deviation from minimum standards is possible with an approved Conditional Use Permit from the Planning and Zoning Commission.
4. Outdoor storage will be permitted along the front façade of the primary building. Additional outdoor storage will be permitted in an integral outdoor storage area that is attached to the primary building. Any deviation from minimum standards is possible with an approved Conditional Use Permit from the Planning and Zoning Commission.
5. Donation boxes and self-service kiosk businesses will be prohibited.
6. Commercial buildings that are 5,000sqft or less in total area will be required to meet the same minimum architectural standards of the Municipal Code as buildings larger than 5,000sqft.
7. Pole signs, pylon signs, and temporary signs (except as authorized via temporary use permit) will be prohibited.
8. Temporary uses will be limited to a maximum of 90 days over 3 occurrences per a 12-month period. Each occurrence is limited to 30 days up and then a required 30 days down before the next occurrence is permitted.
9. Re-occurring seasonal sales will be permitted with a Conditional Use Permit from the Planning and Zoning Commission.

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| <b>DATE:</b><br><br>3/29/2018 | <b>REFERENCE NUMBER:</b><br><br>Z-18-04 | <b>SUBJECT:</b><br>An Ordinance Amending Title 17 – Zoning of the Benbrook Municipal Code by establishing Chapter 17.79 – Benbrook Boulevard Corridor Overlay District. The Overlay District will limit or restrict certain uses and establish development standards and design criteria for future development and improvements along the Benbrook Boulevard corridor. The Overlay District is generally applied to commercially zoned properties, along the Benbrook Boulevard corridor, between Winscott Road and the Union Pacific Railroad, which is located approximately 1,500 ft. north of I.H. 20/820 | <b>PAGE:</b><br><br>2 of 3 |
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- 10. Legal non-conforming uses will be “grandfathered”.
- 11. Existing non-conforming outdoor storage and display, seasonal sales uses will be allowed to continue and will be granted a Conditional Use Permit once the property owner and staff have established a mutually agreed plan that meets the intent of the Ordinance.

**Public Notice**

Staff sent out Legal notifications in accordance with State Law and City Ordinance:

- Subsequent to the Planning and Zoning Commission Public Hearing, Staff has not received any formal letters of support or opposition to the zone change.

**Planning and Zoning Commission Recommendation**

The Planning and Zoning Commission recommends approval to the City Council of the proposed Benbrook Boulevard Corridor Overlay District Ordinance as presented.

**Attachments**

- Z-18-04 Draft Ordinance

| <b>Proposed Prohibited Primary Uses</b>  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• Auto Sales (new or used)</li> <li>• Auto/Truck Rental</li> <li>• Bail Bond Business</li> <li>• Body Piercing Parlor</li> <li>• Contractor Shop</li> <li>• Donation Boxes</li> <li>• Head Shop (drug paraphernalia)</li> <li>• Hookah Lounge</li> <li>• Major Auto Repair</li> <li>• Kiosk Business (self-serve)</li> <li>• Pawn Shop</li> <li>• Payday Lenders/Check Cashing/Car Title Loan Business</li> </ul> | <ul style="list-style-type: none"> <li>• Recreational Vehicle Sales, Parking or Storage</li> <li>• Self-Storage Warehouse</li> <li>• Sexually Oriented Businesses</li> <li>• Tattoo Parlor</li> <li>• Truck/Heavy Equipment Sales or Leasing</li> <li>• Truck/Heavy Equipment Parking or Storage</li> <li>• Truck Stop</li> <li>• Tobacco Store</li> <li>• Vapor Store</li> </ul> |

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| <b>DATE:</b><br><br>3/29/2018 | <b>REFERENCE NUMBER:</b><br><br>Z-18-04 | <b>SUBJECT:</b><br>An Ordinance Amending Title 17 – Zoning of the Benbrook Municipal Code by establishing Chapter 17.79 – Benbrook Boulevard Corridor Overlay District. The Overlay District will limit or restrict certain uses and establish development standards and design criteria for future development and improvements along the Benbrook Boulevard corridor. The Overlay District is generally applied to commercially zoned properties, along the Benbrook Boulevard corridor, between Winscott Road and the Union Pacific Railroad, which is located approximately 1,500 ft. north of I.H. 20/820 | <b>PAGE:</b><br><br>3 of 3 |
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| <b>Proposed Conditional Primary Uses</b>   |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Antique Store</li> <li>• Consignment Store</li> <li>• Minor Auto Service/Repair</li> <li>• * Outdoor Display</li> </ul> | <ul style="list-style-type: none"> <li>• * Outdoor Storage</li> <li>• Reoccurring Seasonal Sales</li> <li>• Secondhand Store</li> <li>• Thrift Store</li> </ul> <p>* In excess of permitted outdoor display or storage standards</p> |

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING TITLE 17 – ZONING OF THE BENBROOK MUNICIPAL CODE, AS AMENDED, BY ESTABLISHING CHAPTER 17.79 – BENBROOK BOULEVARD CORRIDOR OVERLAY DISTRICT (the DISTRICT) OF THE BENBROOK MUNICIPAL CODE; BY ESTABLISHING A BOUNDARY AND APPLICABILITY SECTION, ESTABLISHING LAND USE AND DEVELOPMENT STANDARDS, ESTABLISHING PROVISIONS FOR EXISTING OR PENDING CONFORMING, LEGAL NON-CONFORMING OR NON-CONFORMING USES, AND ESTABLISHING AN ADMINISTRATIVE SITE PLAN REVIEW PROCESS; AND FURTHER ESTABLISHING CHAPTER 15.60 ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Benbrook (the “City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, Chapter 211 of the Local Government Code authorizes municipalities to regulate land use, structures, businesses, and related activities within its corporate limits for the purpose of promoting the public health, safety, and general welfare of the community and protecting and preserving places and areas of historical, cultural, and architectural importance and significance; and

**WHEREAS**, the City Council deems it necessary to establish the Benbrook Boulevard Corridor Overlay District (the District), as shown in Exhibit A – Boundary Map and further described in Section 17.19.020 below, to better protect the corridor from inappropriate land uses; and

**WHEREAS**, the City Council desires to adopt the internationally recognized property maintenance code to protect the aesthetic and visual appearance of all properties within the District; and

**WHEREAS**, the City Council has reviewed the available codes and determined that the 2015 Edition of the International Property Maintenance Code most fully meets the needs of the City of Benbrook, Texas; and

**WHEREAS**, the provisions herein are necessary to promote and protect the health, safety, and welfare of the public through the protection of a key commercial corridor in the City thus providing an enhanced quality of life for the citizens within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS:**

**SECTION 1**

That Chapter 17.79 – Benbrook Boulevard Corridor Overlay District of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby established to provide the following:

**17.19.010 PURPOSE**

The purpose of this Chapter is to establish land use regulations that prohibit or restrict inappropriate land uses deemed detrimental to desired new development and redevelopment along Benbrook’s primary commercial corridor. These regulations are necessary to enhance the overall quality and compatibility of development in the corridor and to secure the long term aesthetic and economic value of the corridor. This Chapter is remedial and essential to the public interest, safety, health, and welfare, and this Chapter shall be liberally construed to effectuate its purposes.

**17.19.020 BOUNDARY**

The boundary of the District, as shown on the Official Zoning Map of the City of Benbrook and incorporated herein and made part of this Ordinance by reference, follows established ownership lines as depicted on City of Benbrook zoning maps on the effective date of this Ordinance. The Planning and Zoning Commission may authorize the inclusion of additional properties into the District by the review and approval of a zoning application submittal by the property owner. Disputes, discrepancies and verification of District boundaries may be appealed to the Assistant City Manager, or appointed designee, for final interpretation. Such interpretation may be appealed to the Planning and Zoning Commission and City Council for final disposition.

**17.19.030 APPLICABILITY**

All non-residential development within the District shall be subject to the rules and regulations included in this Chapter. All regulatory standards pertaining to use, dimensional standards, landscaping, signage and other applicable standards of the Municipal Code, as amended, shall be those specified for each underlying zoning district, including any approved planned development zoning district standards. The rules and regulations of the underlying zoning districts shall remain applicable except as modified by the provisions of this Chapter. Where there is a conflict between the provisions or requirements of the District and the provisions of any underlying zoning district, the more restrictive provisions shall apply, except when adhering to the most restrictive would defeat the intent of this Chapter.

**17.19.040 DEFINITIONS**

For the purpose of this Chapter, the following terms and words shall have the meaning given below, unless the context clearly indicates or requires a different meaning:

- A. Antique Store.** (See also consignment store, pawn shop, secondhand store, thrift store) Any premises used for the sale or trading of articles of which 80 percent or more are over 30 years old or have collectible value. Does not include the selling of used vehicles, used auto parts, scrap, or waste.

- B. Bank or Financial Institution.** A business, open to the public, for the deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds excluding pawnshops, check cashing businesses, payday advance/loan businesses and car title loan businesses.
- C. Banner Sign.** A temporary sign made of flexible materials and sturdy fasteners so that it may be readily affixed to a building or other rigid material.
- D. Body Piercing Parlor.** A business whose principal activity, either in terms of operation or as held out to the public, is the creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.
- E. Car Title Loan Business.** A business that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. The loan terms are often for 30 days, and failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.
- F. Check Cashing Business.** A business that provides to the customer an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time. This definition excludes a state or federally chartered bank, savings and loan associations, credit unions, pawnshops or grocery stores. This definition may exclude retail convenience stores or similar businesses that cashes checks or money orders or issues money orders or money transfers for a minimum flat fee as a service that is incidental to its main purpose or business, provided such business does not cash more than 100 checks in any calendar month as determined by an audit by the City Finance Director or designee.
- G. Consignment Store.** (see also antique store, pawn shop, secondhand store, and thrift store) A retail business engaged in selling used merchandise, such as clothing, furniture, books, shoes, or household appliances, on consignment. Does not include the selling of used vehicles, used auto parts, scrap, or waste.
- H. Contractor Shop.** A business in which services utilized in the improvement and/or maintenance of structures or properties and requiring specialized materials, supplies, and/or expertise are normally provided at the customer's location rather than at the business location, and in which the necessary materials, supplies or equipment are generally stored, displayed, or parked outside and on site at the business location.
- I. Display Area.** The area occupied by the outdoor display of merchandise inclusive of display racks/fixtures and merchandise.
- J. Donation Box.** A receptacle for the collection of donated goods, generally associated with thrift and second hand store, wherein the donated goods are collected and transferred to a different location for repurpose, gift or sale.

- K. Head Shop.** A business that sells drug paraphernalia including all equipment, products, and materials of any kind that are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana, and/or a controlled substance as defined by State and/or Federal Law.
- L. Indoor Auto Repairs.** Means all assembly, disassembly, repairs or service work shall be done inside a building which is completely enclosed. Open doors or windows are allowed for ventilation purposes.
- M. Major Auto Service/Repair.** Major repairs includes the repair and or replacement of larger auto components such as engines, transmissions, differentials, axles, or the repair of larger auto components by dismantling and reassembly for the purpose of refurbishing the component to like new condition, repair in this case may also include repair and replacement of air conditioning, cooling systems or similar component systems. Repair generally requires that the vehicle be left overnight and may require multiple days to complete.
- N. Merchant.** A business or property owner, operator or other designated person responsible for business operations.
- O. Minor Auto Service/Repair.** The maintenance, repair, or replacement (indoor auto repair only) of the alternator, electronic sensors, starter, water pump, battery, brake, exhaust, tires and wheels or other minor part thereof; minor tune-up (which consists of ignition adjustment, fuel injector cleaning, or spark plug replacement); change of oil and filter, fan belt, or hoses; lamp replacement; repair of flat tires and lubrication also include state vehicle inspections and the minor repairs necessary to pass the state requirements are also included. Repairs are routinely completed while the customer waits. Minor auto service also includes passage car wash or car detailing facilities with service attendants.
- P. New Development.** New development shall include any new construction, additions, or expansions of structures or uses including proposals for a Unified Development.
- Q. Outdoor Display and Sales.** The display of goods and products actively being marketed and available for sale, but does not include products in closed boxes, crates, other kinds of shipping containers, or uses considered outdoor storage in accordance with Section 17.19.050.H.
- R. Outdoor Storage.** The storage of goods and products in closed boxes, crates, and other kinds of shipping containers out of doors.
- S. Pawn Shop.** (See also antique store, consignment store, secondhand store, thrift store) Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mort- gage security thereon, and takes or receives such personal property. Does not include the selling of used vehicles, used auto parts, scrap, or waste.



- T. Paycheck (Payday) Advance/Loan Business.** An establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check.
- U. Portable Sign.** Any sign which is constructed so as to be movable, either by skids, wheels, truck or other conveyance; any sign which does not have a permanent foundation or is otherwise permanently fastened to the ground and/or which is not permanently wired for electricity in accordance with the Municipal Code. When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category, neither does the anchoring of the sign by means of concrete blocks, sandbags, or other types of temporary anchors.
- V. Primary Building Front Facade.** Those portions of a primary building façade that face and are most closely parallel to the front lot line.
- W. Redevelopment.** Replacement of an existing use, structure or improvement, or a portion thereof, with a new use, structure or improvement.
- X. Seasonal Outdoor Sales.** The temporary outdoor retail operations that reoccur on an annual, bi-annual or other basis depending on the season or specified time of year; including, but not necessarily limited to: farmer's markets; Christmas tree sales, sale of pumpkins, lawn and garden supplies, or other seasonal items; sales of art or handcrafted items in conjunction with community festivals or art shows; and other similar uses.
- Y. Secondhand Store.** (See also antique store, consignment store, thrift store, pawn shop) Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment. Does not include the selling of used vehicles, used auto parts, scrap, or waste.
- Z. Self-Serve Kiosk Business.** A free standing structure that houses a self-service commercial business or use absent of any on-duty attendant or customer service personnel.
- AA. Sexually Oriented Business.** An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center, or other business primarily relying on sexual material for income.
- BB. Tattoo Parlor.** An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.
- CC. Temporary Sign.** A sign not intended or designed for permanent display.

**DD. Thrift Store.** (See also antique shop; consignment store; secondhand merchandise, pawn shop) A profit or nonprofit business or organization that engages in or specializes in the sale or resale of previously owned or used goods and merchandise from an area greater than 25 percent of the total floor area devoted to retail sales and whose merchandise is donated or principally donated. A specialty retail store that sells used merchandise not donated for sale, including but not limited to used record stores, used book stores, used furniture stores, and sports trading card stores, shall not be considered a thrift store for the purpose of this ordinance.

**EE. Unified Commercial Sign.** A freestanding, multi-tenant sign located on one or more platted lots of a Unified Development.

**FF. Unified Development.** A collection of separately platted commercial lots that are visually combined to form a single cohesive commercial development with a shared or similar architectural style, shared drive aisles, share parking areas, and other shared amenities.

#### **17.19.050 LAND USE STANDARDS**

All properties within the District are subject to rules and regulations of the Benbrook Municipal Code, as amended, for the underlying zoning district in which they are located.

**A. Permitted Uses.** Except for the land use restrictions listed in Section 17.19.050.C and D of this Chapter, the permitted uses in the District shall be the same principal land uses permitted by right in the underlying zoning district of the property.

**B. Permitted Accessory Uses.** The permitted accessory uses in the District shall be the same accessory uses permitted by right in the underlying zoning district of the property.

**C. Conditional Uses.** The following uses are permitted land uses in the District with an approved Conditional Use Permit in accordance with Chapter 17.80 – Conditional Uses of the Benbrook Municipal Code.

1. Antique Store
2. Consignment Shop
3. Minor Auto Service/Repair
4. Outdoor Display not meeting one or more the general standards of Section 17.19.050.G.
5. Outdoor Storage not meeting one or more the general standards of Section 17.19.050.H.
6. Seasonal Outdoor Sales
7. Secondhand Shop
8. Thrift Store

**D. Prohibited Uses.** The following principle uses are prohibited in the District.

1. Auto Sales (new or used)
2. Auto/Truck Rental
3. Bail Bond Business
4. Body Piercing Parlor
5. Contractor Shop
6. Donation Box

7. Drug Paraphernalia Shop (Head Shop)
8. Hookah Lounge
9. Major Auto Repair
10. Pawn Shop
11. Payday Lender/Check Cashing/Car Title Loan Business
12. Recreational Vehicle Sales, Leasing, Parking or Storage
13. Self-Serve Kiosk Business
14. Self-Storage Warehouse
15. Sexually Oriented Businesses
16. Tattoo Parlor
17. Truck/Heavy Equipment Sales, Leasing, Parking or Storage
18. Truck Stop
19. Tobacco Store
20. Vapor Store

#### **E. Temporary Outdoor Sales or Events**

1. **Purpose.** Provisions authorizing temporary uses are intended to permit occasional, temporary uses and activities when consistent with the purposes of this Chapter and when compatible with other nearby uses. Temporary outdoor sales or events may include activities associated with a business grand opening sale, business anniversary sale, going-out-of-business sale, holiday or seasonal sale, or other event.
2. **Authority to Approve.** Temporary uses are prohibited, except that the Building Official shall have the authority and responsibility to grant temporary use permits for certain temporary uses as provided in this Section.
3. **Definition.** The short-term use of property conducted from an area, structure or facility that does not require a new or revised Certificate of Occupancy for the property, which may not comply with the use or dimensional standards of underlying zoning district. Such area, facility, or structure may include parking lots, lawns, trucks, tents, or other temporary structures.
4. **Time Limit.** Temporary uses may be permitted at a premise or location for any period not to exceed 30 consecutive days. Upon expiration of a temporary use permit, another temporary use permit for the same premise or location may not be issued for at least 30 days. A maximum of three temporary use permits may be issued for any one premise or location during any twelve (12) month period.
5. **Temporary Signage.** A single temporary banner sign not exceeding 32 square feet in total area may be placed on the site of a permitted temporary use provided that the sign is affixed to a building in a manner so as to not flap or move in the wind.
6. **Permit Required.** A temporary use permit must be obtained from Building Permits and Inspections before establishing a temporary use.
7. **Procedure.** A complete application for Temporary Use Permit must be submitted to the Building Permits and Inspections Department in a form

established by the Building Official along with a non-refundable fee that has been established by the City Council. No application will be processed until the application is complete and the required fee has been paid. The application shall be reviewed for its likely effects and compatibility with surrounding properties and its compliance with the purpose of this Chapter. The Building Official shall impose such conditions of approval as are necessary to ensure compliance with the purposes of this Chapter and the Municipal Code. If the permit application complies with all applicable provisions of the Municipal Code, the requested temporary use permit shall be issued.

**F. Seasonal Outdoor Sales.** Seasonal outdoor sales may be approved with a Conditional Use Permit in accordance with Chapter 17.80 – Conditional Uses of the Benbrook Municipal Code.

**G. Outdoor Display of Merchandise.** All merchandise displayed outdoors shall be available for sale and shall be limited to the same type of merchandise otherwise sold at the business. The outdoor display of merchandise shall comply with the following standards:

**1. Front Façade Outdoor Display**

- a. Except for vending machines (including propane bottle display/sales), merchants may only display merchandise outdoors during posted business hours and shall remove outdoor displayed merchandise and associated display racks/fixtures during non-business hours.
- b. The display area shall not occupy more than 15% of the primary building's front façade length or 30 (thirty) linear feet, whichever is less.
- c. The display area shall not extend more than five (5) feet away from the face of the primary building's front façade.
- d. The height of the display area shall not exceed eight (8) feet from grade to the highest point of the display area.
- e. The merchant shall maintain a minimum 60-inch unobstructed path of travel from the exterior border of the display area to any public entrance, or to any curb, ramp, or crosswalk, or to any fixed obstruction (i.e. streetlight pole, street tree, planting area, planter pot, parking meter, newspaper rack, mail box, etc.) at all times.
- f. The display area shall not block sidewalks, parking areas, or impede pedestrian or vehicular circulation, or encroach on landscape areas including lawn area.
- g. Display racks/fixtures shall be made of good quality, durable materials and construction.
- h. The merchant shall maintain the display area in a neat and orderly manner at all times and comply with all other applicable City ordinances.

**2. Integral Outdoor Display.** The outdoor display of merchandise inside of an integral outdoor display area that complies with the following standards:

- a. An attached and generally open air structure (no roof) enclosed on all four sides and sharing at least one common wall of the primary building and up to three open air walls constructed of a minimum three (3) foot tall masonry base wall and a minimum five (5) foot tall tubular steel or wrought iron fence with decorative masonry columns spaced no less

than 20 feet apart and of a height equal to or exceeding the top height of the fence.

- b. The integral outdoor display area shall not exceed 5% of the floor area of the primary building.
- c. The front façade of the integral outdoor display shall not extend beyond the outer most plane of primary building's front facade.

**3. Conditional Outdoor Display.** Outdoor display of merchandise not meeting one or more of the foregoing standards of this Section may be approved in accordance with Chapter 17.80 – Conditional Uses of the Benbrook Municipal Code.

**H. Outdoor Storage.** The outdoor storage of merchandise shall comply with the following standards.

**1. Rear and Side Yard Outdoor Storage**

- a. No more than 10% of property or a maximum of 10,000sqft (whichever less) may be used for outdoor storage.
- b. Outdoor storage areas, including drive aisles and storage pads, shall be paved with concrete and kept in a neat and orderly fashion.
- c. Outdoor storage areas are only permitted along the interior side(s) or rear of the primary building and shall not encroach beyond the outer most plane of primary building's front facade.
- d. The outdoor storage area shall be screened by an eight (8) feet tall masonry wall constructed of either a hard fired (kiln fired) brick, face or building brick with a troweled mortar bond finish; stone, including granite, sandstone, slate, limestone, marble or other hard and durable all weather stone; or integral colored, split-face or textured concrete masonry units (CMU).
- e. In no case shall the stored materials be placed or stacked more than one (1) foot below than the top of the screening wall.

**2. Conditional Outdoor Storage.** Outdoor storage of merchandies not meeting one or more of the foregoing standards of this Section may be approved in accordance with Chapter 17.80 – Conditional Uses of the Benbrook Municipal Code.

## **17.19.060 DEVELOPMENT STANDARDS**

**A. Architectural Features.** The minimum architectural standards as provided in Section 17.84.100.B and Section 17.84.100.C of the Municipal Code shall apply to all buildings in the District regardless of total floor area.

**B. Signage**

- 1. Permitted Signs.** Permitted signs in the District shall be the same as those permitted by right in accordance with Chapter 17.92 of the Municipal Code.
- 2. Prohibited Signs.** The following signs are prohibited in the District.
  - a. Pylon Signs

- b. Pole Signs
- c. Portable Signs
- d. Temporary Signs
- e. Banner Signs, except as may be approved as part of a temporary use permit as provided in Section 17.90.050.E.(5).

**3. Sign Alterations of Non-Conforming Signs.** ( Refer to Section 17.100.100 of the Municipal Code)

**17.19.070 SITE PLAN REVIEW**

All new development or redevelopment located within the District shall require Development Site Plan approval from the Development Review Committee (DRC) prior to the review and/or issuance of a building permit.

1. **Purpose.** The purpose of the Development Site Plan is to ensure that the requirements of the City Ordinances are met.
2. **Procedure.** A complete application for Development Site Plan must be submitted to the Planning Department in a form established by the City Planner along with a non-refundable fee that has been established by the City Council. No application will be processed until the application is complete and the required fee has been paid. If the permit complies with all applicable provisions of this Municipal Code it will be approved.

**SECTION 2**

**EXISTING OR PENDING USES ON THE EFFECTIVE DATE OF THIS ORDINANCE**

All structures, lots and uses that are in compliance with the underlying zoning regulations or which may exist in accordance with the underlying zoning district on any lot or tract for which an application for platting, re-platting, site plan or a building permit for such use was pending prior to the effective date of this ordinance, which, by codification of this ordinance no longer conform, shall be deemed to be a legal non-conforming. A use that was legally established without a Conditional Use Permit shall be deemed to have a Conditional Use Permit and shall not be deemed nonconforming solely because a Conditional use Permit is now required for the use. Within ninety (90) days following the of the adoption of this ordinance, the Building Official shall issue a revised Certificate of Occupancy to all businesses that have been deemed legal non-conforming or now require a Conditional Use Permit as a result of the ordinance. The revised Certificate of Occupancy shall note the updated status of the property as being legal non-conforming and/or having a Conditional Use Permit for said use.

**SECTION 3**

**EXISTING NON-CONFORMING OUTDOOR STORAGE AND DISPLAY USES**

For properties deemed to have an existing non-conforming outdoor storage and/or display uses in place on the effective date of this ordinance, it is hereby the policy of the City to work with those affected property owners so that they may continue to use their property in a productive manner, but to bring as many aspects of such non-conforming uses into conformance with this Chapter as is reasonably practicable. The limitations of this Chapter are

intended to recognize the interests of the property owner in continuing to use the property but to control the expansion of the non-conformity and to control re-establishment of abandoned uses. Within ninety (90) days following the adoption of this ordinance, the Building Official shall issue a revised Certificate of Occupancy to all businesses that have been deemed to have existing non-conforming outdoor storage and/or display uses. The revised Certificate of Occupancy shall note: 1) the updated status of the property as being legal conforming, provided that the non-conforming outdoor storage and display uses now conform with this Chapter, or 2) the property has having a Conditional Use Permit that shall define the intensity and scope of the mutually agreed upon outdoor storage and display uses. If a Conditional Use Permit is issued as part of this process, the Conditional Use Permit shall automatically expire once the mutually agreed outdoor storage and/or display uses cease for a period of six (6) months. After said six (6) month period, no further outdoor storage and display uses shall be permitted except as authorized by Sections 17.19.050.G and H of the Benbrook Municipal Code .

#### **SECTION 4 PROPERTY MAINTENANCE CODE**

That Chapter 15.60 – Property Maintenance Code of Title 15 – Buildings and Construction of the Benbrook Municipal Code, as amended, is hereby established to provide the following:

##### **15.60.010 - Adopted.**

The International Property Maintenance Code, 2015 Edition, published by the International Code Council, is adopted as the official property maintenance code of the city. This code is fully incorporated into this chapter by reference as though copied in its entirety.

##### **15.60.020 - Amendment.**

- A. The city council may from time to time determine that additional local modifications to the International Property Code are necessary and appropriate to meet the unique construction needs of the city. To effectuate these local modifications, the city council shall enact individual ordinances amending this chapter and fully setting forth the change to be made in the International Code. These amendments shall be consolidated as Exhibit B to the ordinance codified in this chapter.
- B. The International Property Maintenance Code, 2015 Edition, is amended as shown in Exhibit B attached to the ordinance codified in this chapter and incorporated by reference as though copied into this chapter in its entirety.

##### **15.60.030 - Materials on file for inspection.**

The material contained in Exhibit B to the ordinance codified in this chapter, although fully adopted and incorporated in this chapter by reference, shall not be included in this codification. The material contained in Exhibit B shall instead be maintained as a public record in the office of the city secretary, the office of the director of community development and the office of the building inspector. These exhibits will be available for public inspection and copying during regular business hours. The purpose of maintaining these records separate and apart from the municipal codification is to avoid the inclusion of detailed technical construction materials, subject to frequent change, which would unreasonably lengthen the code.

**15.60.040 - Fees.**

Building permit fees shall be in accordance with Section 1.12.080.

**SECTION 5  
PENALTY CLAUSE**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety, or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 6  
CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Benbrook, Texas (1985), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 7  
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and Sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or Section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and Sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or Section.

**SECTION 8  
SAVINGS CLAUSE**

All rights and remedies of the City of Benbrook are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code (1985), as amended, or any ordinances regulating platting or Zoning which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.



**SECTION 9  
PUBLICATION IN PAMPHLET FORM**

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

**SECTION 10  
ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Benbrook is hereby directed to engross and enroll the Ordinance by copying the caption, penalty clause, and effective date clause of this ordinance in the minutes of the City Council and by filing the Ordinance in the Ordinance records of the City.

**SECTION 11  
PUBLICATION IN OFFICIAL NEWSPAPER**

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause, and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

**SECTION 12  
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PASSED AND APPROVED** this 19<sup>th</sup> day of April, 2018.

\_\_\_\_\_  
Jerry B. Dittrich Mayor

**ATTEST:**

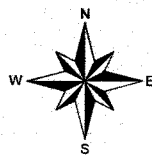
\_\_\_\_\_  
Joanna King, City Secretary

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

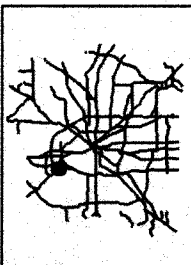


- Legend**
- Deeds\_Boundary**
- RECORDBOUNDARYTYPE**
- Parcel Line
  - Parcel Split Line
  - Private Road
  - ROW
  - Unknown
  - HistoricLot
  - School
  - City
  - Abstracts
  - County
  - Water\_District

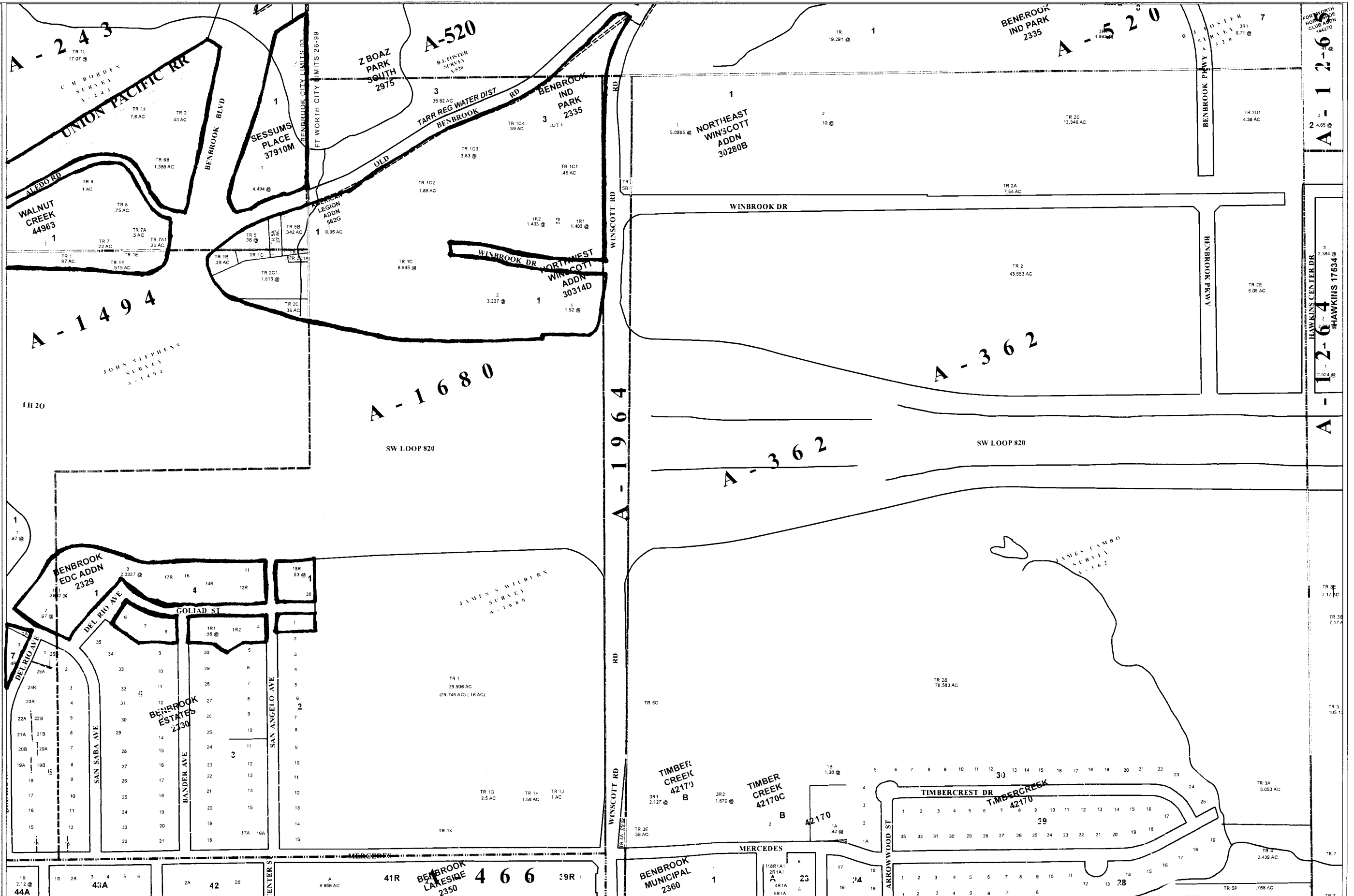


Map created on: 4/5/2017

1 inch = 400 feet



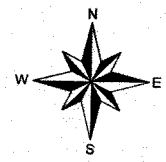
\* map location



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

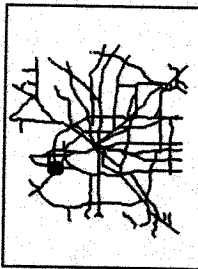


- Legend**
- Deeds\_Boundary**  
**RECORDBOUNDARYTYPE**
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  - Parcel Split Line
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  - ROW
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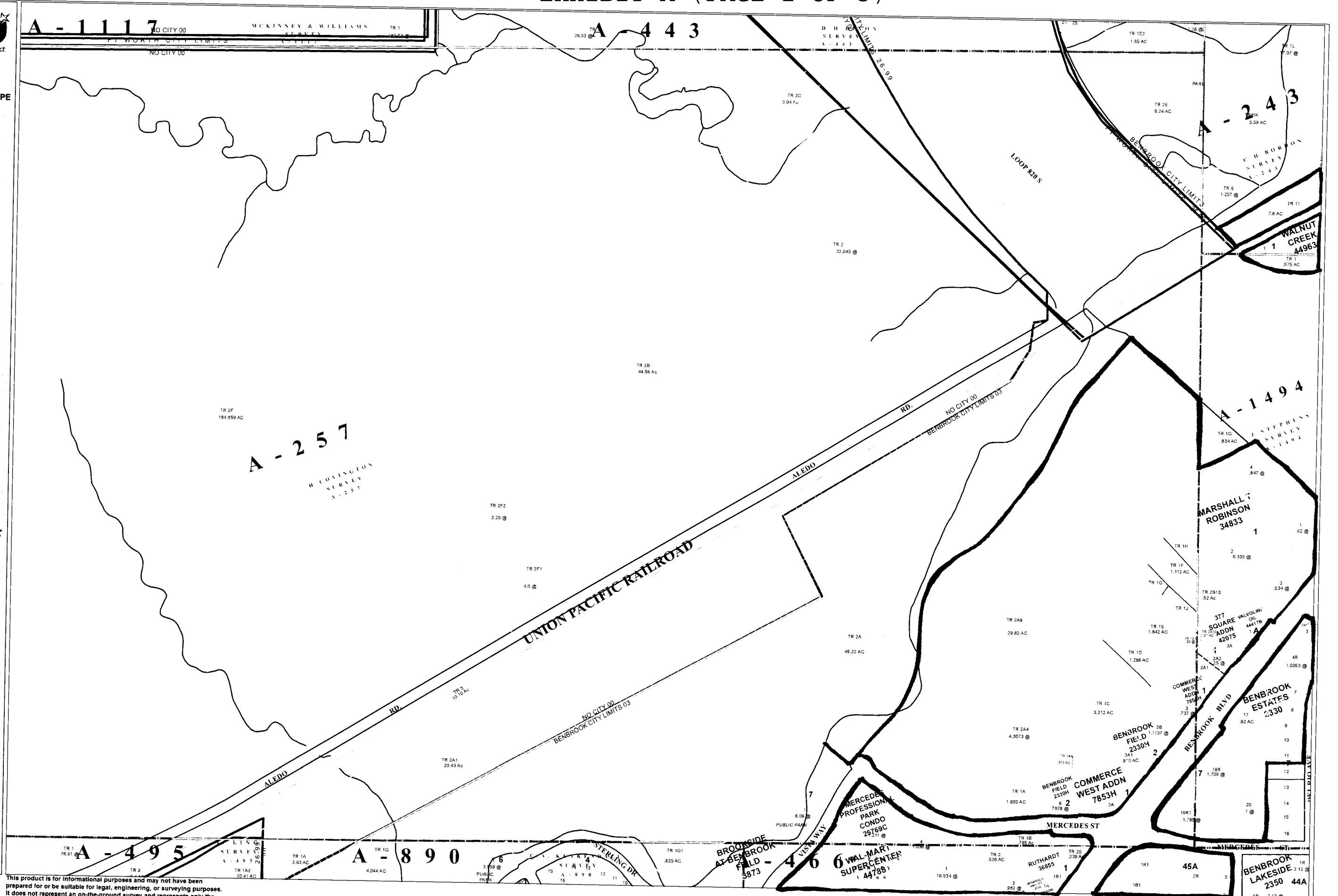


Map created on: 7/21/2017

1 inch = 400 feet



\* map location



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**TAD**  
Tarrant Appraisal District

**Legend**

**Deeds\_Boundary**  
**RECORDBOUNDARYTYPE**

- Parcel Line
- Parcel Split Line
- Private Road
- ROW
- Unknown
- HistoricLot

School

City

Abstracts

County

Water\_District

Map created on:  
7/26/2017

1 inch = 400 feet

**\* map location**



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## Exhibit B

### Local Amendments to the 2015 International Property Maintenance Code

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**Purpose of Amendment.** To establish property maintenance regulations that provide for the “exterior only” maintenance of all existing, new development or re-development located within the Benbrook Boulevard Corridor Overlay District

**Applicable Chapter.** To effectuate the enforcement of the “exterior only” maintenance of all existing, new development or re-development in the Benbrook Boulevard Corridor Overlay District, only Chapter 3, General Requirements, less any stated regulations related to the interior elements of a structure, of the 2015 International Property Maintenance Code shall be enforced by the City of Benbrook. The remaining Chapters of the 2015 International Property Maintenance Code, except as may be legally necessary to enforce the applicable portions of Chapter 3, General Requirements, are not applicable.